

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-30 are pending in the application, of which claims 1, 3, 9, 11, 17, and 27 are independent. By the foregoing Amendment, claims 27-30 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 103

The Examiner, on page 3 of the Office Action, has rejected claims 1-6, 9-14, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter “Fletcher”) in view of U.S. Patent No. 5,636,371 to Yu. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

With regards to independent claims 1, 3, 9, 11, and 17, the Examiner, in setting forth this rejection, has acknowledged that Fletcher does not teach or suggest “a single computer system emulating a server and a client, said [single] computer executing server code and also executing client code.” However, the Examiner has taken the position, unsupported by the references of record, that Fletcher can be modified to include such limitations without affecting the performance of the Fletcher system. There is no teaching or suggestion of such a modification in Fletcher. In fact Fletcher teaches away from a single computer system emulating a server and a client because Fletcher teaches

monitoring communication performance *in a communication network comprising communication systems communicatively coupled to each other with communication equipment.* Fletcher, Abstract; col. 3, lines 23-26; col. 3, lines 35-38; col. 6, lines 35-40. Fletcher teaches a client computer system and a server computer system in the communication network. Fletcher, col. 5, line 57 – col. 8, line 4; and FIGs. 2-4. Thus, contrary to the present invention, Fletcher uses separate computer systems for the client and the server.

Yu, on the other hand, does not appear to teach this feature as well. Instead, according to the sections of Yu cited by the Examiner, Yu teaches that server processes are run on a remote system. Yu, col. 5, lines 8-25. The Examiner, on page 14 of the Office Action, states that “Yu discloses that there is no requirement that the emulated systems be located in a physically separate computer system (Yu – Column 5 Lines 15-20).” The Examiner further states that “Yu disclosed a single computer system emulating a server and a client.”

Applicants respectfully disagree. The section of Yu cited by the Examiner, Yu, col. 5, lines 15-20, discloses an FTP services application program that permits the transfer of files from one system to another. Yu, col. 5, lines 15-16. In fact, the paragraph in which this section is found discloses an interactive user on a client system starting a login session on a remote system. Yu, col. 5, lines 12-13. The passage goes on to state that “[i]n operation, the interactive user invokes an FTP client process on the local system. The client process establishes a connection with an FTP server process on the remote system using TCP.” Yu, col. 5, lines 18-22. Thus, the section of Yu cited by the Examiner does not disclose a single computer system emulating a server and

a client. Instead, Yu discloses a local system and a remote system in which a client process is run on the local system and a server process is run on the remote system. *Yu*, col. 5, lines 8-26.

Thus, neither Fletcher nor Yu, separately or in combination, teach or suggest Applicants' invention as recited in independent claims 1, 3, 9, 11, and 17. For at least the reasons stated above, claims 1, 3, 9, 11, and 17, and the claims that depend therefrom (claims 2, 23-24, and 29; 4-8 and 30; 10 and 25-26; 12-16; and 18-22, respectively) are patentable over the cited references of Fletcher and Yu.

The Examiner, on page 6 of the Office Action, has rejected claims 7, 15, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter "Fletcher") in view of U.S. Patent No. 5,636,371 to Yu as applied to claims 1-6, 9-14, and 17-20 above, further in view of U.S. Patent Application Publication No. 2001/0056456 to Cota-Robles. Applicants respectfully traverse this rejection.

Claims 7, 15, and 21 depend from independent claims 3, 11, and 17, respectively, and are patentable over Fletcher and Yu for at least the reasons stated above. Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 7, 15, and 21.

The Examiner, on page 8 of the Office Action, has rejected claims 8, 16, and 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter "Fletcher") in view of U.S. Patent No. 5,636,371 to Yu, further

in view of U.S. Patent Application Publication No. 2001/0056456 to Cota-Robles. Applicants respectfully traverse this rejection.

Claims 8, 16, and 22 depend from independent claims 3, 11, and 17, respectively, and are patentable over Fletcher and Yu for at least the reasons stated above. Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 8, 16, and 22.

The Examiner, on page 10 of the Office Action, has rejected claims 23-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,269,401 to Fletcher *et al.* (hereinafter “Fletcher”) in view of U.S. Patent No. 5,636,371 to Yu, further in view of U.S. Patent Application Publication No. 2001/0056456 to Cota-Robles. Applicants respectfully traverse this rejection.

Claims 23-24 and 25-26 depend from independent claims 1 and 9, respectively, and are patentable over Fletcher and Yu for at least the reasons stated above. Furthermore, Cota-Robles does not teach or suggest the features missing from Fletcher and Yu. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 23-26.

New Claims

New claims 27-30 have been added. Claims 29 and 30 depend from independent claims 1 and 3, respectively, which are patentable over the cited art for the reasons stated above. New claims 27 and 28 include similar language as that recited in independent

claims 1, 3, 9, 11, and 17, and therefore, are patentable over the cited art for the reasons stated above.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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